

REMARKS/ARGUMENTS

The present amendment, amends claims 1 and 25, and presently cancels claims 8 and 22-24. After entry of the present amendment the following claims are pending in this case: 1, 4-5, 7, 9-10, 13-18, and 25-26.

On July 8, 2004, the undersigned spoke with Examiner Le regarding the May 20, 2004, Office Action. The Examiner's courtesy during the telephone conversation was much appreciated. During the course of the conversation the undersigned discussed positions previously set forth in earlier response to previous office actions. The Examiner noted that none of the previously discussed references disclosed or suggested elements recited in the pending claims, in combination with removing the restrictions, on the restricted account, after determining that the account information was in compliance with the rules and regulations of the Securities and Exchange Commission, and determining that the account information complies with rules and regulations of the Securities and Exchange Commission.

In order to expedite prosecution of the pending application each of the pending independent claims have been amended in light of the telephone conference with the Examiner. This amendment is done with out prejudice to pursuing additional claims without such a limitation in a continuation application. It is respectfully submitted that support for these amendments can be found at numerous locations in the specification. See e.g., page 19, lines 4-24.

It is respectfully submitted that each of the pending independent claims now provides for opening an on-line brokerage account based on user supplied account information and providing access to the restricted account. The restrictions for account are lifted only after certain events have occurred. One of these events which must occur is that the account information must be reviewed to determine that it complies with the rules and regulations of the Securities and Exchange Commission. This type of operation provides for some unique advantageous over other type of systems and methods. Specifically, such a system or method, as recited in the claims, can allow for expeditiously providing a user with access to a restricted account, and then lifting restrictions for heavily regulated activities, such as trading securities, after a detailed review of the account information to ensure compliance with the rules and regulations of the Securities and Exchange Commission.

It is respectfully submitted that as amended the claims are patentable over the references.

The Present Claims:

The combination of elements recited in each of the pending independent claims area not disclosed in anyone of the six references which area used in combination as a basis for rejecting previously pending claims. Indeed, even if one were to selectively take specific elements from the six different references cited, and then combine those selected elements, the resulting combination would not make obvious the now pending claims. The pending claims provide for a new and efficient manner of delivering brokerage account services to a customer. Access to restricted brokerage accounts can be provided, prior to a full review of the account information to determine compliance with the rules and regulations of the Securities and Exchange Commission. This is in large part because activities for restricted accounts are limited and actions such as trading securities are prohibited until the restrictions are lifted.

The Millard, US Patent Publication 2002/007335 A1

Millard is the primary reference which is used in connection with rejecting all of the pending claims. The system of Millard appears to be directed to a system where users can exchange information related to financial assets and securities. Millard may provide some different levels of access for different users, but it clearly does not provide anything like a restricted brokerage account, where a user is initially prohibited from actions such as trading securities through the brokerage account, and then removing the restrictions, only after the account information has been reviewed for compliance with the rules and regulations of the Securities and Exchange Commission.

References Discussing Trial Use of Software:

The Office Action cites three references (U.S. Patent Nos. 5,103,476; 6,021,492; and 6,216,112 B1) as showing systems or methods of providing products /services on a trial-basis for a limited time, and then terminating the trial use if the user has not paid within the limited time period. This operation is fundamentally different in terms of its operation, and objective. As recited by the present claims, a restricted account is opened for a customer, and the restriction is lifted only after a review of account information, and determination of compliance with the rules and regulations of the Securities and Exchange Commission. Fundamentally the approach of the

trial use of software appears to be based, not on expediting the delivery of services, but rather it is for providing a test drive of a product. It is respectfully submitted that the present claims are now clearly distinguished from the trial use software references, referred to in the Office Action.

Magary, US Patent Publication 2001/0056387 A1

Magary is also cited in the Office Action. Magary discloses a system for providing financial information to clients. The financial information can be information such as transaction data. Magary, Abstract. According to regulatory requirements the client must consent to receiving such financial data electronically. Magary ¶ 18. Magary provides for obtaining and storing these consents. Magary, Abstract. Magary does not, however, provide for, or relate to opening an on-line brokerage account with restrictions, and then removing the restrictions after certain events have occurred. Indeed, it is respectfully, submitted that there is nothing in Magary which would suggest expeditiously providing a customer access to an on-line brokerage account, as a restricted account, and then removing the restrictions, after the information is reviewed and determined to comply with the rules and regulations of the Securities and Exchange Commission.

Comments on the Combination of References:

Collectively the combination of references cited in the Office Action appears to provide little, if any, suggestion that there would be some motivation to combine their teaching. However, even if one were to assume that one of skill in the art would combine the teaching of these references, it is respectfully submitted that the combination of these references would not lead to a system or method as recited by the pending claims. The pending claims include many elements such as: generation of a pre-filled out application based on account information including a client's approximate annual income, and a client's level of investment experience; and for expediting the delivery of access to an on-line brokerage account, and services provided with an on-line brokerage account, by providing the customer with access to a restricted brokerage account, where the restrictions are removed after receiving a required response from the customer, and after reviewing the account information to determine compliance with the rules and regulations of the Securities and Exchange Commission. It is respectfully submitted that none of the references alone or in combination suggest such a method or system.


CONCLUSION

For the reasons set forth above, it is believed that all claims now present in this application are patentably distinguishable over the references. Therefore, reconsideration is requested, and it is requested that this application be passed to allowance. If the undersigned can be of any help, please call at 415-772-4904.

Respectfully submitted,

STALLMAN & POLLOCK LLP

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By: 
Brian J. Keating
Reg. No. 39,520

Attorneys for Applicant(s)